

15-2141

**AMENDMENT TRANSMITTAL**

**PATENT**

Application No.: 10/033,407  
Filing Date: 12/26/01  
First Named Inventor: Gaxiola  
Examiner's Name: Gillis, M.A.  
Art Unit: 2141  
Attorney Docket No.: 80398.P443

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

- ☐ Preliminary Amendment
- ☐ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☐ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☒ Other: Reply to Examiner's Answer (3 pgs.)
- ☐ Other: \_\_\_\_\_
- ☐ Check(s)
- ☒ Postcard (Return Receipt)

**SUBMITTED BY:**

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**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on May 21, 2007

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Gaxiola, et al.

) Examiner: Gillis, M. A.

)

) Art Unit: 2141

)

Application No. 10/033,407

) Confirmation No: 7529

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Filed: December 26, 2001

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**REPLY TO EXAMINER'S ANSWER**

In response to the Examiner's Answer mailed March 20, 2007, Applicant respectfully requests consideration of the following remarks.

## **REMARKS**

Appellant is filing this reply to the Examiner's Answer ("Answer") to respond to the Examiner's statements made in the Answer. In particular, Appellant is responding to only to the Examiner's interpretation of Narayanaswami in the "Response to Arguments" section on p. 16 of the Answer. These arguments presented herein in no way detract from Appellant's original arguments presented in the Appeal Brief.

Appellant's independent claims recite three devices coupled to a network: 1) a shared network access device, 2) a consumer electronic device, and 3) another device. As claimed, the shared network access device can be accessed by the consumer electronic device and the "another" device. In the Answer, the Examiner interprets Narayanaswami's personal smart pointing device as equivalent to Appellant's consumer device and Narayanaswami's personal computer, personal digital assistant, or wireless phone as Appellant's shared access network device. As a result, the Examiner is apparently interpreting Narayanaswami's network that is formed by the coupling of the personal smart pointing device to the computer, personal digital assistant, or wireless phone as equivalent to Applicant's claimed network. However, Narayanaswami does not teach or suggest a third device (the "another device") coupled to such a network that can access the personal computer, personal digital assistant, or wireless phone.

Furthermore, the Examiner asserts that it is "widely known that a personal computer, personal digital assistant or wireless phone may be connected to a network and once connected a consumer electronic device such as the pointer device in Narayanaswami along with other devices may access the shared network access device such as a server providing data to the shared network access device." Because the Examiner asserts that it is "widely known", Appellant is assuming that the Examiner is taking Official Notice of the missing element. However, the Examiner did not make such a rejection as recited in the "Grounds for Rejection" of the Answer. Moreover, Appellant respectfully submits that it is improper to add new grounds of rejection without explicitly stating so. See MPEP §1207.03.

Nevertheless, Appellant respectfully objects to such Official Notice and requests the Examiner to cite references in support of his position. Furthermore, Appellant

respectfully submits that Narayanaswami does not even suggest that a server can access the personal computer, personal digital assistant or wireless phone.

Therefore, Narayanaswami does not teach or suggest a shared network access device that is accessible by a consumer electronic device and another device coupled to a network.

### **SUMMARY**

Claims 1-32 are currently pending. In view of the foregoing and remarks, Appellant respectfully submits that the pending claims are in condition for allowance. Appellant respectfully requests the Board to remove the Examiner's objection and allow the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x7514.


### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

Dated: 5/21, 2007

  
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